

REMARKS

Applicant has carefully reviewed the final office action mailed January 12, 2006 and offers the following remarks.

Before addressing the rejections, Applicant provides a brief summary of the claimed invention so that the remarks are considered in the proper context. The present invention is designed to facilitate monitoring of a hosted voicemail system. Meaning, even though the hosted voicemail system is not directly associated with any customer device, the user may listen as voice messages are being left in the voicemail system and may interrupt the message to answer the call. The claims are focused on an embodiment wherein the calls are directed initially to the voicemail system and then the telephone terminal is alerted to the existence of the incoming call that the called party may wish to monitor. The present invention, voicemail system of a service provider, may be configured to provide the functionality of a conventional answering machine. If the user is within range of the telephone terminal, the user may listen to the voicemail message being left by the caller as the voicemail message is being recorded. At any time during the recording of the voicemail message, the user may engage the call and begin conversing with the caller.

Claims 1-19 and 21-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Howe et al. (hereinafter "Howe") in view of Lektion et al. (hereinafter "Lektion"). Applicant respectfully traverses. For the Patent Office to combine references in an obviousness rejection the Patent Office must do two things. First, the Patent Office must state a motivation to combine the references, and second, the Patent Office must support the stated motivation with actual evidence. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Once a proper combination is made, to establish *prima facie* obviousness, the Patent Office must show where each and every element is taught or suggested. MPEP § 2143.03.

The Patent Office states that Howe does not teach that the call is initially directed to the hosted voicemail system before being directed to the telephone terminal. However, the Patent Office asserts that Lektion teaches a system where a call is initially directed to a hosted voicemail system. On the contrary, no portion of Lektion teaches routing a call to the hosted voicemail system and then to the telephone terminal. The Patent Office cites several sections supporting its position. None of these sections teach or suggest initially directing the call to the hosted voicemail system.

First, the Patent Office references Figure 4 and corresponding elements 440 and 450 as disclosing initially directing the call to a hosted voicemail system. Paragraph 33 and Figure 4 clearly describe sending the call to the call screening system in Figure 2, which will apply call processing rules to determine whether to send the call to voicemail (block 450) or connect the call (block 460). Clearly, the call is not forwarded to the hosted voicemail system and then to the telephone device. In contrast, the call is either sent to the voicemail system or sent to the telephone device depending on the call processing rules. With reference to Figure 5, and in particular, paragraph 35, Lektion clearly states that the call is initially received in the handset (block 510). Call processing is later provided (block 540), wherein the call is either connected to the telephony device (block 560) or sent to the voicemail system (block 550). Again, the call is not initially directed to the hosted voicemail system.

With reference to paragraph 7, lines 4-7, of Lektion, there is only a prior art discussion that call screening can take place in the telephony switch. Notably, the telephony switch is not a hosted voicemail system. Nothing indicates that a call is sent from the switch to the hosted voicemail system, and then to the telephone terminal. Further, paragraph 8, lines 1-2, of Lektion states, "...switch-centric call processing does not permit real-time caller intervention in the screening process." Finally, paragraphs 14 and 24 of Lektion are similarly deficient, in that there is no indication that the call is initially directed to the hosted voicemail system. These paragraphs only pertain to the basic concept of Lektion, which is routing the call to a call screening process associated with the telephone terminal, in determining whether to answer the call or route the call to the voicemail system.

These sections of Lektion are indicative of the essence of the overall teaching of Lektion. Lektion provides a system capable of receiving an inbound telephone call destined for a called party. The associated caller identification data can be identified from the inbound telephone call. The associated caller identification data is compared to a filter list of caller identification data. Based upon the comparison, call management rules are applied to the inbound call to manage the inbound call by either deferring the inbound call to voicemail or automatically answering the inbound call without requiring pro-active intervention by the called party (see the abstract of Lektion). In essence, Lektion is solely focused on providing a call screening process based on caller identification in determining whether to answer the call or route it to a voicemail system. Again, there is no indication that the call is initially directed to the voicemail system.

From the above discussion, Howe and Lection fail to teach or suggest initially directing a call to a hosted voicemail system to facilitate audible call screening in association with a hosted voicemail system. Since this element is not taught or suggested, *prima facie* obviousness has not been established. As such, claims 1-19 and 21-32 define patentable subject matter.

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By: 

Benjamin S. Withrow
Registration No. 40,876
P.O. Box 1287
Cary, NC 27512
Telephone: (919) 654-4520

Date: March 10, 2006
Attorney Docket: 7000-262

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